

AMENDED IN SENATE SEPTEMBER 7, 2001

AMENDED IN SENATE AUGUST 31, 2001

AMENDED IN SENATE JULY 19, 2001

AMENDED IN SENATE JULY 3, 2001

AMENDED IN ASSEMBLY MAY 31, 2001

AMENDED IN ASSEMBLY APRIL 16, 2001

AMENDED IN ASSEMBLY APRIL 2, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 770

**Introduced by Assembly Member Nakano
(Coauthor: Assembly Member Cedillo)**

February 22, 2001

An act to add and repeal Section 2407.5 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 770, as amended, Nakano. Cellular telephones: vehicles: study.

(1) Existing law requires the Department of the California Highway Patrol to prepare and, on request, supply to police departments, coroners, sheriffs, and other suitable agencies or individuals, forms for accident reports required under the Vehicle Code that call for sufficiently detailed information to disclose with reference to a traffic accident the cause, conditions then existing, and the persons and vehicles involved.

This bill would require any ~~accident~~ *traffic collision* report prepared by a member of the Department of the California Highway Patrol or any other peace officer, to include information as to whether a cellular telephone or other ~~electronic device~~ *driver distraction or inattention*, as defined, ~~was present in the vehicles involved in the accident and whether the use of that device or devices is a known or suspected contributory~~ *associated* factor to the cause of the ~~accident~~ *collision*.

The bill would require this information to be collected and transmitted to the department by July 1, 2002.

The bill would require the department to study and make recommendations concerning the issue of driver distractions ~~as contributory factors to the cause of traffic accidents and inattention as they relate to associated factors to the cause of traffic collisions~~. The bill would require the department to develop recommendations for legislative or regulatory action to address these issues, to review and analyze *a sample of* existing studies and statistics relating to the issue of driver distractions ~~as contributory factors to the cause of traffic accidents and inattention as associated factors to the cause of traffic collisions~~, and to report to the Legislature and Governor by December 31, 2002. ~~The bill would require the study to evaluate the reliability of available data and evaluate steps to improve the reliability of data reporting and collections.~~

Because the bill would increase the level of services imposed on local law enforcement agencies, the bill would create a state-mandated local program.

(2) The bill would remain in effect only until January 1, 2003, and as of that date, would be repealed unless a later enacted statute deletes or extends that date.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.



Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) Cellular telephones and other ~~electronic technologies~~ *driver distractions* are rapidly becoming a significant concern with regard to highway and traffic safety.

(b) The usage of cellular telephones and other ~~electronic devices~~ *driver distractions* will continue to proliferate in motor vehicles.

(c) Future motor vehicles will likely provide drivers with concierge services, web-based information, online e-mail capabilities, CD-ROM access, onscreen and audio navigation technology, and a variety of other information and entertainment services.

(d) In considering these emerging technologies, it is the intent of the Legislature to focus on the potential safety implications associated with driver distractions while using advanced in-vehicle technologies that receive, transmit, or display various types of information, including those that allow drivers to phone, fax, obtain route guidance, view infrared images on a heads-up display, and use the Internet and other electronic devices.

SEC. 2. Section 2407.5 is added to the Vehicle Code, to read:

2407.5. (a) Any ~~accident~~ *traffic collision* report prepared by a member of the Department of the California Highway Patrol or any other peace officer shall include information as to whether a cellular telephone ~~or other electronic device was in use in the vehicle or vehicles involved in the accident and whether the use of that device or devices is a known or suspected contributory factor to the cause of the accident.~~ Nothing in this subdivision shall be construed to prohibit or otherwise limit, the collection of any other ~~information.~~ *or other driver distraction or inattention is a known or suspected associated factor to the cause of the traffic collision.*

(b) Information described in subdivision (a) shall be collected and transmitted to the department on or before July 1, 2002.

(c) The department shall compile the information from its own members and that supplied by other peace officers.

(d) The department shall study the compiled data and make recommendations concerning the issue of driver distractions as ~~contributory factors to the cause of traffic accidents and inattention as they relate to associated factors to the cause of traffic collisions.~~ The department shall develop recommendations for legislative or regulatory action to address these issues, and, as part of the study, the ~~The~~ department shall review and analyze *a sample of* existing studies and statistics relating to the ~~issue of driver distractions as contributory factors to the cause of traffic accidents.~~ As part of the study, the department shall evaluate the reliability of the compiled data, ~~shall compare its reliability to the data used in other studies, and shall evaluate what steps may or should be taken to improve the reliability of data reporting and collection.~~

~~(e) As used in this section, electronic devices include, but are not limited to, televisions, fax machines, navigation systems, and computers.~~ *issue of driver distractions and inattention as associated factors to the cause of traffic collisions.*

(e) As used in this section, “driver distractions and inattention” include, but are not limited to, the use of cellular telephones, electronic devices, and radios, smoking, eating, children, animals, personal hygiene, reading, or other similar distractions.

(f) The department shall submit a report regarding the study described in this section to the Governor and Legislature, including findings and recommendations, on or before December 31, 2002.

(g) This section shall remain in effect only until January 1, 2003, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2003, deletes or extends that date.

SEC. 3. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000),

- 1 reimbursement shall be made from the State Mandates Claims
- 2 Fund.

O

